

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
RICHARD D. GETZ
MCCORMICK, PAULDING & HUBER LLP
CITYPLACE II, 185 ASYLUM STREET
HARTFORD, CT 06103

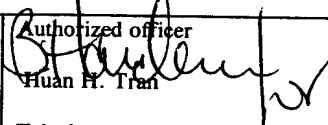
PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 0048P-1393WO	Date of mailing (day/month/year) 13 JAN 2005
International application No. PCT/US04/09565	International filing date (day/month/year) 29 March 2004 (29.03.2004)
Applicant GERBER SCIENTIFIC PRODUCTS, INC.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
- Filing of amendments and statement under Article 19:**
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
- When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
- Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35
- For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
- Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.
- The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.
- Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
- In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.
- See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Huan H. Tran Telephone No. (703) 308-1749
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 0048P-1393WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/09565	International filing date (<i>day/month/year</i>) 29 March 2004 (29.03.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 28 March 2003 (28.03.2003)
Applicant GERBER SCIENTIFIC PRODUCTS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐

With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

(comm to Abstract)

CASE 4758-4001 PC ATTY KJM

DUE February 13, 2005

mo. call-up _____

BY Jm.

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the drawings to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/09565

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

A donor web (26) for use in a thermal transfer printer (10) comprises a foil having a transfer side (46) and a non-transfer side (48). A layer of thermal transfer material (50) is disposed on the transfer side (46) of the foil material. Indicia (54) is ink-jetted to the foil. The indicia (54) includes information pertaining to at least one of the length of used foil and the length of unused foil so that an operator can determine whether there is enough foil left for a printing operation. Preferably, the indicia (54) is disposed on the non-transferable side (48) and at a longitudinal edge portion (52) of the foil in order to not affect or otherwise damage the printing operation of the foil. Also, the indicia (54) is preferably white or black in order to be clearly visible against various colors of the thermal transfer material (50). The indicia (55) can also be disposed on a receiver web (12).

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/09565

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : B41J 017/36, 035/36, 011/42, 011/46

US CL : 347/215, 217, 218, 221, 214; 400/207, 208, 208.1, 249, 703, 580, 583, 583.3

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 347/215, 217, 218, 221, 214; 400/207, 208, 208.1, 249, 703, 580, 583, 583.3; 242/525

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 2-20379 (Fujitsu Ltd) (23 January 1990 (23.01.1990), abstract and Figs. 1 and 2.	1-7, 24-33
X	JP 63-278889 (Nec Corp) 16 November 1988 (16.11.1988), abstract and Fig. 1	1, 24, 25, 32, 33
A	US 2003/0025027 A1 (Ebisawa et al.) 06 February 2003 (06.01.2003), Fig. 4	8, 18

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

21 September 2004 (21.09.2004)

Date of mailing of the international search report

13 JAN 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Huan H. Tran

Telephone No. (703) 308-1749

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
RICHARD D. GETZ
MCCORMICK, PAULDING & HUBER LLP
CITYPLACE II, 185 ASYLUM STREET
HARTFORD, CT CT

Date of mailing
(day/month/year) **13 JAN 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

0048P-1393WO

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/09565

29 March 2004 (29.03.2004)

28 March 2003 (28.03.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B41J 017/36, 035/36, 011/42, 011/46 and US Cl.: 347/215, 217, 218, 221, 214; 400/207, 208, 208.1, 249, 703, 580, 583, 583.3; 242/525

Applicant

GERBER SCIENTIFIC PRODUCTS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

CASE 04758-4101R ATTY KJM
DUE April 13, 2005 (writ. op)
mo. call-up _____

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Huan H. Tran

Telephone No. (703) 308-1749

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.

PCT/US04/09565

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.
PCT/US04/09565

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>7-23 and 31</u>	YES
	Claims <u>1-6 and 24-30, 32-33</u>	NO
Inventive step (IS)	Claims <u>8-23</u>	YES
	Claims <u>1-7 and 24-33</u>	NO
Industrial applicability (IA)	Claims <u>1-33</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 8-23 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed method and system for applying indicia onto a donor web as the web is advanced onto supply rolls.

Claims 7 and 31 lack an inventive step under PCT Article 33(3) as being obvious over JP 2-20379. JP 2-20379 shows the marks 14 being spaced from one another along a longitudinal edge of the ribbon 8 but does not teach the particular spacing as recited in claim 7. However, it is submitted that such particular spacing would have been obvious to one of ordinary skill in the art depending on the application and desired accuracy of measurement.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/09565

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-33 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Claims 1, 24, 25, 32, 33 lack novelty under PCT Article 33(2) as being anticipated by JP 63-278889.

As to claim 1, JP 63-278889 discloses a donor web for use in a thermal printer, comprising:

a foil having a transfer side and a non-transfer side;

a layer of thermal transfer material disposed on the transfer side of the foil material; and
indicia, the indicia including information of at least one of a length of used foil and a length of unused foil.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the reason that the claim is directed to a product.

As to claim 24, JP 63-278889 discloses a donor web cassette for a thermal transfer printer, the cassette comprising:

a housing including a supply roll and a take-up roll;

a donor web accommodated by the housing and coupled to the supply roll and the take-up roll,

the housing defining an opening between the supply roll and the take-up roll to expose for viewing a portion of the donor web within the opening; and

indicia, the indicia including information of at least one of a length of used donor web and a length of unused donor web.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the reason that the claim is directed to a product.

As to claim 25, JP 63-278889 discloses that the donor web includes:

a foil having a transfer side a non-transfer side;

a layer of thermal transfer material disposed on the transfer side of the foil material, and wherein the indicia is disposed on the foil.

As to claim 32, JP 63-278889 discloses a web for use in a thermal printer, comprising:

a sheet material; and

indicia, the indicia including information of at least one of a length of used foil and a length of unused foil.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/09565

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

reason that the claim is directed to a product.

As to claim 33, JP 63-278889 shows that the sheet material is one of a donor web and a receiver web.

Claims 1, 6, 24, 25, 32, 33 lack novelty under PCT Article 33(2) as being anticipated by JP 2-20379.

As to claim 1, JP 2-20379 discloses a donor web for use in a thermal printer, comprising:
a foil (ribbon 8a) having a transfer side and a non-transfer side;
a layer of thermal transfer material disposed on the transfer side of the foil material; and
indicia (marks 14), the indicia including information of at least one of a length of used foil and a length of unused foil.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the reason that the claim is directed to a product.

As to claim 2, JP 2-20379 teaches the limitation that the indicia (marks 14) is disposed on the non-transfer side of the foil. See Figs. 1 and 2 where reader 11 is shown reading the marks 14 on the back side (non-transfer side) of the ribbon 8.

As to claim 3, JP 2-20379 teaches the limitation that the indicia (marks 14) is disposed on a longitudinal edge portion of the foil (ribbon 8). See Fig. 1.

As to claims 4 and 5, the marks 14 are black in contrast with a color of the thermal transfer material.

As to claim 6, JP 2-20379 teaches the limitation that the indicia (marks 14) are spaced from one another along a length of the foil (ribbon 8a).

As to claim 24, JP 2-20379 discloses a donor web cassette for a thermal transfer printer, the cassette comprising:
a housing including a supply roll and a take-up roll (see Fig. 2);
a donor web (8) accommodated by the housing and coupled to the supply roll and the take-up roll,
the housing defining an opening between the supply roll and the take-up roll to expose for viewing a portion of the donor web within the opening; and
indicia (Fig. 1, marks 14), the indicia including information of at least one of a length of used donor web and a length of unused donor web.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the reason that the claim is directed to a product.

As to claim 25, JP 2-20379 discloses that the donor web includes:
a foil having a transfer side a non-transfer side (ribbon 8);
a layer of thermal transfer material disposed on the transfer side of the foil material, and wherein the indicia is disposed on the foil.

As to claim 26, JP 2-20379 teaches the limitation that the indicia (marks 14) is disposed on the non-transfer side of the foil (ribbon 8). See Figs 1 and 2 which shows reader 11 reading the marks 14 disposed on the back side (non-transfer side) of ribbon 8.

As to claim 27, JP 2-20379 shows that the marks 14 are disposed on a longitudinal edge of the foil See Fig. 1.

As to claim 28 and 29, JP 2-20379 teaches that the marks 14 are black.

As to claim 30, JP 2-20379 teaches that the marks 14 are spaced from one another along a length of the foil. See Fig. 1.

As to claim 32, JP 2-20379 discloses a web for use in a thermal printer, comprising:
a sheet material (ribbon 8); and
indicia (marks 14), the indicia including information of at least one of a length of used foil and a length of unused foil.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/09565

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

It should be noted that the process used to print the indicia is not given patentable weight in the product-by-process for the reason that the claim is directed to a product.

As to claim 33, JP 2-20379 shows that the sheet material is one of a donor web and a receiver web.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

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